

UNITED STATES BANKRUPTCY COURT
Eastern District of California
Honorable W. Richard Lee
Hearing Date: Thursday, August 8, 2013
Place: Department B – Courtroom #12
Fresno, California

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. The following rulings are tentative. The tentative ruling will not become the final ruling until the matter is called at the scheduled hearing. **Pre-disposed matters will generally be called, and the rulings placed on the record at the end of the calendar.** Any party who desires to be heard with regard to a pre-disposed matter may appear at the hearing. If the party wishes to contest the tentative ruling, he/she shall notify the opposing party/counsel of his/her intention to appear. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Submission of Orders:

Unless the tentative ruling expressly states that the court will prepare a civil minute order, then the tentative ruling will only appear in the minutes. If any party desires an order, then the appropriate form of order, which conforms to the tentative ruling, must be submitted to the court. When the debtor(s) discharge has been entered, proposed orders for relief from stay must reflect that the motion is denied as to the debtor(s) and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

3. Matters Resolved Without Opposition:

If the tentative ruling states that no opposition was filed, and the moving party is aware of any reason, such as a settlement, why a response may not have been filed, the moving party must advise Marlene Medina, the Calendar Clerk, at (559) 499-5825 by 4:00 p.m. the day before the scheduled hearing.

4. Matters Resolved by Stipulation:

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the tentative ruling together with the proposed order resolving the matter.

5. Resubmittal of Denied Matters:

If the moving party decides to re-file a matter that is denied without prejudice for any reason set forth below, the moving party must file and serve a new set of pleadings with a new docket control number. It may not simply re-notice the original motion.

9:00 A.M.

- | | | | |
|----|---------------------------------------|--|--|
| 1. | <u>12-17011</u> -B-11 | LAWRENCE/CYNTHIA
WW-28
HILARIDES
LAWRENCE HILARIDES/MV
RILEY WALTER/Atty. for dbt. | CONTINUED MOTION TO CLOSE
CHAPTER 11 CASE
6-28-13 [<u>519</u>] |
| 2. | <u>09-61612</u> -B-12 | ROBERT/NANCY THOMAS
WW-11
ROBERT THOMAS/MV
RILEY WALTER/Atty. for dbt. | CONTINUED MOTION FOR ENTRY OF
DISCHARGE
6-26-13 [<u>127</u>] |
| 3. | <u>12-14514</u> -B-11 | TERRENCE/LORRENE
GONSALVES

HILTON RYDER/Atty. for dbt. | CONTINUED CHAPTER 11 STATUS
CONFERENCE
5-25-12 [<u>9</u>] |

This matter will be continued to September 5, 2013, at 9:00 a.m. for hearing with confirmation of the chapter 11 plan. The court will prepare a minute order. No appearance is necessary.

4. 12-14514-B-11 TERRENCE/LORRENE CONTINUED MOTION TO COMPROMISE
HAR-9 GONSALVES CONTROVERSY/APPROVE SETTLEMENT
TERRENCE GONSALVES/MV AGREEMENT WITH WELLS FARGO BANK
N.A.
4-22-13 [209]
HILTON RYDER/Atty. for dbt.

This matter will be continued to September 5, 2013, at 9:00 a.m. for hearing with confirmation of the chapter 11 plan. The court will prepare a minute order. No appearance is necessary.

- | | | |
|----|---|---|
| 5. | 13-14036 -B-11 M&G WEILERT FAMILY,
L.P., A CALIFORNIA
RILEY WALTER/Atty. for dbt. | CHAPTER 11 STATUS CONFERENCE
6-18-13 [11] |
| 6. | 13-14036 -B-11 M&G WEILERT FAMILY,
DBS-1 L.P., A CALIFORNIA
BRIAN GWARTZ/MV

RILEY WALTER/Atty. for dbt.
DANIEL SPITZER/Atty. for mv.
RESPONSIVE PLEADING | MOTION TO DISMISS CASE AND/OR
MOTION TO CONVERT CASE , MOTION
TO APPOINT TRUSTEE
7-9-13 [26] |
| 7. | 13-14036 -B-11 M&G WEILERT FAMILY,
UST-1 L.P., A CALIFORNIA
AUGUST LANDIS/MV
RILEY WALTER/Atty. for dbt.
ROBIN TUBESING/Atty. for mv.
RESPONSIVE PLEADING | MOTION TO DISMISS CASE
7-18-13 [42] |

8. [13-12342](#)-B-11 MEHRDAD FAY
KDG-4
MEHRDAD FAY/MV
HAGOP BEDOYAN/Atty. for dbt.

MOTION TO USE CASH COLLATERAL
AND/OR MOTION FOR ADEQUATE
PROTECTION
7-19-13 [[81](#)]

9. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
A CALIFORNIA GENERAL
JACOB EATON/Atty. for dbt.

CONTINUED CHAPTER 11 STATUS
CONFERENCE
9-10-12 [[21](#)]

**Based on the debtor's status report and the stipulation of the parties,
this matter has been continued to September 12, 2013, at 9:00 a.m. The
parties shall file a joint status report. No appearance is necessary.**

10. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
A CALIFORNIA GENERAL
JACOB EATON/Atty. for dbt.

CONTINUED HEARING RE: CHAPTER
11 PLAN
3-20-13 [[260](#)]

**Based on the debtor's status report and the stipulation of the parties,
this matter has been continued to September 12, 2013, at 9:00 a.m. The
parties shall file a joint status report. No appearance is necessary.**

11. [12-17458](#)-B-11 SOUTH LAKES DAIRY FARM,
KDG-28 A CALIFORNIA GENERAL
SOUTH LAKES DAIRY FARM, A
CALIFORNIA GENERAL
JACOB EATON/Atty. for dbt.

CONTINUED MOTION TO ASSUME
LEASE OR EXECUTORY CONTRACT
7-3-13 [[370](#)]

**Based on the debtor's status report and the stipulation of the parties,
this matter has been continued to September 12, 2013, at 9:00 a.m. The
parties shall file a joint status report. No appearance is necessary.**

12. [12-19873](#)-B-11 ROSENDO JAIME AND MARIA
DE JAIME
THOMAS GILLIS/Atty. for dbt.

CONTINUED CHAPTER 11 STATUS
CONFERENCE
12-5-12 [[8](#)]

13. [12-19873](#)-B-11 ROSENDO JAIME AND MARIA
JCW-1 DE JAIME
U.S. BANK NATIONAL
ASSOCIATION/MV
THOMAS GILLIS/Atty. for dbt.
JENNIFER WONG/Atty. for mv.
RESPONSIVE PLEADING

CONTINUED MOTION FOR RELIEF
FROM AUTOMATIC STAY
6-12-13 [[165](#)]

14. [12-19873](#)-B-11 ROSENDO JAIME AND MARIA
TOG-8 DE JAIME
ROSENDO JAIME/MV

MOTION FOR APPROVAL OF
DISCLOSURE STATEMENT FILED BY
JOINT DEBTOR MARIA LUCINA
MARTINEZ DE JAIME, DEBTOR
ROSENDO JAIME
6-11-13 [[147](#)]

THOMAS GILLIS/Atty. for dbt.
RESPONSIVE PLEADING

This matter will be continued to August 22, 2013, at 9:00 a.m. The court cannot adjudicate the adequacy of the disclosure statement until the pending motion under 11 U.S.C. §362 for relief from stay is finally resolved. The court will prepare a minute order. No appearance is necessary.

10:30 A.M.

- | | | | |
|----|--|---------------------|---------------------------------------|
| 1. | <u>13-12802</u> -B-7 | MARIA LEON-CISNEROS | STATUS CONFERENCE RE: COMPLAINT |
| | <u>13-1063</u> | | 6-5-13 [<u>1</u>] |
| | LEON-CISNEROS V. PROFESSIONAL
COLLECTION CONSULTANTS
TIMOTHY SPRINGER/Atty. for pl.
RESPONSIVE PLEADING | | |
| 2. | <u>12-17729</u> -B-7 | JOELLA SARGENT | CONTINUED AMENDED MOTION FOR |
| | <u>12-1206</u> | MAG-1 | SUMMARY JUDGMENT |
| | SARGENT V. SARGENT
MARK GOSS/Atty. for mv.
RESPONSIVE PLEADING | | |
| | | | 6-17-13 [<u>41</u>] |

This matter will be trailed to the 11:00 a.m. calendar and called with the final pretrial conference. No appearance is necessary at 10:30 a.m.

3. [13-14036](#)-B-11 M&G WEILERT FAMILY, STATUS CONFERENCE RE: COMPLAINT
[13-1066](#) L.P., A CALIFORNIA 6-11-13 [[1](#)]
M&G WEILERT FAMILY, L.P., A
CALIFORNIA LIMITED PAR V.
RILEY WALTER/Atty. for pl.

This matter will be called on the 9:00 a.m. calendar with the other matters pending in the same case. No appearance is necessary at 10:30 a.m.

4. [13-10141](#)-B-7 LINDA WALKER STATUS CONFERENCE RE: COMPLAINT
[13-1065](#) 6-11-13 [[1](#)]
STRAIN V. LAURENCE
TRUDI MANFREDO/Atty. for pl.
RESPONSIVE PLEADING

Based on the joint status report, this matter will be referred to BDRP, the Bankruptcy Dispute Resolution Process, and the status conference will be rescheduled to September 26, 2013, at 10:30 a.m. The parties shall file another joint status report if the adversary proceeding is not settled.

At the rescheduled status conference, the court intends to strike the defendant's responsive pleading and order the defendant to file an amended pleading that complies with FRCP 8(b). The responsive pleading did not respond appropriately to the substantive allegations in the complaint and the court does not believe that the general denials of every allegation in the complaint are made in good faith. No appearance is necessary.

5. [13-12860](#)-B-7 DANNY/PATRICIA MCCLANAHAN RESCHEDULED STATUS CONFERENCE
[13-1052](#) RE: COMPLAINT
NATIONAL COMMERCIAL RECOVERY, 5-9-13 [[1](#)]
INC. V. MCCLANAHAN
GLENN BESNYL/Atty. for pl.
RESPONSIVE PLEADING

6. [11-63278](#)-B-7 TYLER MORGAN
DRJ-2
TYLER MORGAN/MV
DAVID JENKINS/Atty. for dbt.
RESPONSIVE PLEADING

CONTINUED MOTION FOR DAMAGES
AND TO ENFORCE DISCHARGE
2-20-13 [[24](#)]

This matter will be continued to September 25, 2013, at 9:00 a.m., for hearing with the defendant's motion to dismiss the adversary proceeding. The court will prepare a minute order. No appearance is necessary.

7. [11-63278](#)-B-7 TYLER MORGAN
[13-1028](#)
BENSON V. MORGAN
CYRIL LAWRENCE/Atty. for pl.

STATUS CONFERENCE RE: AMENDED
COMPLAINT
7-15-13 [[19](#)]

This matter will be continued to September 25, 2013, at 9:00 a.m., for hearing with the defendant's motion to dismiss the adversary proceeding. The court will prepare a minute order. No appearance is necessary.

8. [12-14281](#)-B-7 ANTONIO/DOLORES AGUIRRE
[13-1064](#)
FEAR V. BELMONTES

MOTION TO STRIKE BY CESAR
BELMONTES
7-11-13 [[8](#)]

9. [12-14281](#)-B-7 ANTONIO/DOLORES AGUIRRE
[13-1064](#)
FEAR V. BELMONTES
ROBERT HAWKINS/Atty. for pl.
SUMMONS REISSUED ON AMENDED
COMPLAINT SET FOR 9/26/13 AT
10:30 A.M.

STATUS CONFERENCE RE: COMPLAINT
6-11-13 [[1](#)]

10. [11-18591](#)-B-7 ROY/RUTH VERA
[13-1067](#)
SALVEN V. VERA ET AL
CARL COLLINS/Atty. for pl.

STATUS CONFERENCE RE: COMPLAINT
6-11-13 [[1](#)]

Based on the plaintiff's status report, this matter will be dropped from calendar. The plaintiff shall file his amended complaint and properly serve it with a reissued summons within 30 days. The reissued summons will set a new status conference date. No appearance is necessary.

11:00 A.M.

1. [12-17729](#)-B-7 JOELLA SARGENT
[12-1206](#)
SARGENT V. SARGENT
MARK GOSS/Atty. for pl.

FINAL PRE-TRIAL CONFERENCE RE:
COMPLAINT
12-7-12 [[1](#)]